

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

DARRELL LYNN HOLLAND  
TX-1327726-G

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DOCKETED COMPLAINT NO. 10-079

**AGREED FINAL ORDER**

On this the 21<sup>st</sup> day of May, 2010, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Darrell Lynn Holland, (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order:

Darrell Lynn Holland specifically denies the truth of the Findings of Fact and Conclusions of Law contained herein. However, in order to reach a compromise and settlement to dispose of this matter and buy peace, Darrell Lynn Holland agrees to the disciplinary action set out in this Agreed Final Order. Notwithstanding Darrell Lynn Holland's denial thereof, the Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

**FINDINGS OF FACT**

1. Respondent, Darrell Lynn Holland, is a state certified general real estate appraiser, holds certification number TX-1327726-G, and has been certified by the Board during all times material to this complaint.

2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE Chapter 1103 (Vernon 2007) (the Act), the Rules of the Board, 22 TEX. ADMIN. CODE §§153, 155, 157 (West 2007) (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.

3. On or about September 3<sup>rd</sup>, 2008, the Respondent appraised real property located at 999 Sunshine Road, Brownsville, Texas 78521 ("the property").

4. On or about November 9<sup>th</sup>, 2009, the Complainant, Deloris Kraft-Longoria, filed a staff-initiated complaint with the Board based on allegations that the Respondent had produced an appraisal report that contained various deficiencies.

5. On or about November 9<sup>th</sup>, 2009, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. Chapter 2001, notified Respondent of the nature and accusations involved and Respondent was afforded

an opportunity to respond to the accusations alleged by the Complainant. Respondent's response to the complaint was received.

6. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the property:

- a) Respondent failed to comply with the conduct and record keeping provisions of the Ethics Rule;
- b) Respondent incorrectly reported the intended use of his opinions and conclusions;
- c) Respondent failed to provide a brief summary of his basis and underlying rationale for his determination of the property's highest and best use;
- d) Respondent failed to employ recognized methods and techniques in his cost approach and failed to provide any support for his site value determination;
- e) Respondent failed to employ recognized methods and techniques correctly in his sales comparison approach and did not collect, verify, analyze and reconcile comparable sales data adequately. This included misrepresenting the sales prices of properties selected as comparables, misrepresenting and omitting discussion and analysis of properties' physical condition and failing to provide support and analysis for a \$150,000 site adjustment made to comparable 3; and,
- f) Respondent's report contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report for the property, including misrepresenting the sales prices of properties he selected as comparable sales.

7. Respondent made material misrepresentations and omitted material facts in his appraisal report as detailed above.

## **CONCLUSIONS OF LAW**

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE §§ 1103.451-1103.5535.

2. Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (record-keeping and conduct provisions); USPAP Standards: 1-2(b) & 2-2(b)(ii); 1-3(b) & 2-2(b)(ix); 1-4(b)(i) & 2-2(b)(viii); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a); 1-1(a); 1-1(b); 1-1(c); and, 2-1(a).

3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by making material misrepresentations and omitting material facts from his appraisal report.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- b. Pay to the Board an administrative penalty of \$500.00; and
- c. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

**ALL CLASSES** required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE (12) MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be sent to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification.

Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, and must be tendered within **TWENTY (20) DAYS** of the date of this Agreed Final Order.

Failure to comply with any of the terms of this Agreed Final Order within the time allotted shall result in **IMMEDIATE SUSPENSION** of the Respondent's certification pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the requirements of this Agreed Final Order.

**ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.** Respondent shall be notified of any such suspension or lifting of probation by certified mail, return receipt requested, to the last known address as provided to the Board. If Respondent's certification is suspended on such a basis, the suspension shall remain in effect until such time as Respondent pays the Administrative Penalty or takes and passes the required educational courses and provides adequate documentation of same to the Board.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed

Final Order will be published on the Board's web site. However, a copy of this Agreed Final Order will not be published on the Board's web site and shall be released by the Board only upon compliance with a lawfully made public information request.

It is further agreed that this Agreed Final Order shall be deemed a final compromise and settlement of all claims, complaints and assertions of the Board against Darrell Lynn Holland, both known or unknown, as they pertain to the appraisal of the Property.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 23 day of April, 2010.

  
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DARRELL LYNN HOLLAND

  
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C. FRANK WOOD, ATTORNEY FOR  
DARRELL LYNN HOLLAND

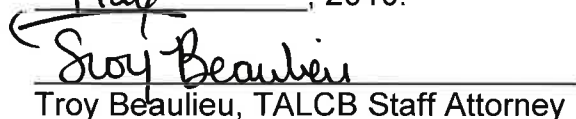
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 23 day of April, 2010, by DARRELL LYNN HOLLAND, to certify which, witness my hand and official seal.

  
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Notary Public Signature

Ernestina Soto  
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Notary Public's Printed Name



Signed by the Standards and Enforcement Services Division this 25<sup>TH</sup> day of May, 2010.

  
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Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this 24 day of May, 2010.



Douglas Oldmixon, Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 21<sup>st</sup> day of May, 2010.



James B. Ratliff, Chairperson  
Texas Appraiser Licensing and Certification Board